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EXAMINER

BAILEY, FREDERICK D

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JILL BOYCE, STEPHEN CIPOLLI, JONATHAN LENNOX,
STEPHAN WENGER, and DANNY HONG

Appeal 2017-002283
Application 13/347,984
Technology Center 2400

Before JOHN A. EVANS, CATHERINE SHIANG, and KIMBERLY
McGRAW, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the
Examiner's final rejection of Claims 1, 3, 5, 7, 8, 10, 12, and 14–26. App.
Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.¹

¹ Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed July 19, 2016, "App. Br."), the Reply Brief (filed November 23, 2016, "Reply Br."), the Examiner's Answer (mailed October 7, 2016, "Ans."), the Final Action (mailed March 29, 2016, "Final Act."), and the Specification (filed January 11, 2012, "Spec.") for their respective details.

STATEMENT OF THE CASE

The claims relate to creating, coding, decoding, and using, rotation information related to one or more coded pictures in non-normative parts of a coded video bitstream. *See Abstract.*

INVENTION

Claims 1, 7, 14, and 16 are independent. An understanding of the invention can be derived from a reading of Claim 1, which is reproduced below with some formatting added:

1. A method of video coding comprising:
 - determining an orientation of a first input picture at an encoding device; and
 - encoding, by the encoding device, orientation information in a Supplementary Enhancement Information (SEI) message included in a coded video bitstream relating to at least all samples of the first input picture and at least all samples of a second input picture,
 - wherein the orientation information comprises a bit indicating a vertical flip and persistence information pertaining to persistence of the orientation information.

References and Rejections

The Examiner relies upon the prior art as follows:

Cheatle	US 2003/0152291 A1	Aug. 14, 2003
Moroo, <i>et al.</i> ,	US 2007/0230826 A1	Oct. 4, 2007
Kim, <i>et al.</i> ,	US 2009/0295907 A1	Dec. 3, 2009
Tian, <i>et al.</i> , (“Tian ’680”)	US 2010/0246680 A1	Sept. 30, 2010
Tian, <i>et al.</i> , (“Tian ’530”)	US 2011/0286530 A1	Nov. 24, 2011

The claims stand rejected as follows:

1. Claims 1, 5, 7, 8, 12, 14, 16, 17, 19, 21, and 23–26 stand rejected under 35 U.S.C. § 102(e) as anticipated by Tian ’530. Final Act. 6–10.
2. Claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as obvious over Tian ’530 and Cheatle. *Id.* at 11.
3. Claim 15 stands rejected under 35 U.S.C. § 103(a) as obvious over Tian ’530 and Moroo. *Id.* at . 11–12.
4. Claim 18 stands rejected under 35 U.S.C. § 103(a) as obvious over Tian ’530 and Tian ‘680. *Id.* at . 12.
5. Claims 20 and 22 stand rejected under 35 U.S.C. § 103(a) as obvious over Tian ’530 and Kim. *Id.* at 12–13.

ANALYSIS

We have reviewed the rejections of Claims 1, 3, 5, 7, 8, 10, 12, and 14–26 in light of Appellants’ arguments that the Examiner erred. We are persuaded of error.

CLAIMS 1, 5, 7, 8, 12, 14, 16, 17, 19, 21, AND 23–26 ANTICIPATION BY TIAN ’530

Appellants argue these claims as a group in view of the limitations of Claim 7. App. Br. 17–18.

Orientation information.

Independent Claim 7 recites, *inter alia*, “orientation information relating to at least all samples of a first coded picture and at least all samples of a second coded picture after decoding.” Independent Claims 1, 14, and 16 recite commensurate recitations.

Appellants explain Tian ’530 relates to the H.264/AVC video standard and discloses “H.264/AVC, though designed ostensibly for 2D video, [to] also be used to transmit stereo contents by exploiting a frame-packing technique” wherein two pictures are packed into a single video frame. App. Br. 14 (quoting Tian ’530, ¶ 5). Appellants argue in the context of multiple views coded into the same picture, Tian ’530 discloses a syntax element `flip_dir[view_id[i]][j]` for every part *j* of every view *i* for each picture. *Id.* at 15. Appellants argue Tian ’530, thus, discloses that each picture has a corresponding `flip_dir[view_id[i]][j]`, which applies only to that picture. Appellants further argue that Tian ’530 does not disclose or suggest “orientation information relating to at least all samples of a first coded

picture and at least all samples of a second coded picture after decoding,” as recited in independent Claim 7. *Id.* at 16.

The Examiner finds “Tian teaches encoding, by the encoding device, orientation information in a Supplementary Enhancement Information (SEI) message included in a coded video bitstream relating to at least all samples of the input picture and at least all samples of a second input picture,” as claimed. Ans. 3 (citing Tian ’530 ¶¶ 5–8, 45, 61, 65, 67, 91, 165, 208, and 296). The Examiner specifically cites the same parameter, i.e., `flip_dir[view_id[i]][j]`, that Appellants dispute. *Id.*

Appellants reply that, according to Tian a coded picture having multiple views would have multiple values of `flip_dir[view_id[i]][j]`, included at least one such value for each view. Reply Br. 3. Appellants argue that a given value of `flip_dir[view_id[i]][j]` cannot relate to multiple pictures because Tian explicitly defines this syntax element as per part (j) and per view (i). *Id.* at 4. We agree with Appellants that Tian’s “i” and “j” indexes limit the referenced picture to a specified part of a specified, single picture, contrary to the claims.

The Examiner finds Tian’s “`flip_dir [view_id[i]][j]`” syntax element anticipates “orientation information relating to at least all samples of a first coded picture and at least all samples of a second coded picture after decoding,” as recited in independent Claim 7 and commensurately recited in independent Claims 1 and 14. Ans. 3 (citing Tian ’530 ¶¶ 5–8, 45, 61, 65, 67, 91, 165, 208, and 296). To support this finding, the Examiner cites twelve (12) paragraphs of Tian’s disclosure. However, because the

Examiner fails to map specific passage(s) to the claim limitation, how Tian anticipates the claims is at best ambiguous.

Anticipation requires that a single reference “describe the claimed invention *with sufficient precision and detail* to establish that the subject matter existed in the prior art.” *Wasica Finance GMBH v. Continental Automotive Systems, Inc.*, 2015-2078, slip op. 19 (Fed. Cir. Apr. 4, 2017) (quoting *Verve, LLC v. Crane Cams, Inc.*, 311 F.3d 1116, 1120 (Fed. Cir. 2002)). “For this reason, it has long been understood that ambiguous references do not, as a matter of law, anticipate a claim.” *Wasica, Id.* (citing *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554 (Fed. Cir. 1983) (refusing to find claims anticipated when the prior art references were “unacceptably vague”); and *In re Hughes*, 345 F.2d 184, 188 (CCPA 1965); *In re Turlay*, 304 F.2d 893, 899 (CCPA 1962) (“It is well established that an anticipation rejection cannot be predicated on an ambiguous reference.”)).

Because the Examiner fails to provide sufficient evidence or explanation to support the anticipation rejection, we are constrained by the record to reverse the Examiner’s rejection of independent claim 7, as well as independent claims 1, 14, and 16 which recite similar limitations. We also reverse the rejection of dependent claims 5, 8, 12, 17, 19, 21, and 23–26.

CLAIMS 3, 10, 15, 18, 20, AND 22: OBVIOUSNESS OVER TIAN ’530
AND VARIOUSLY TIAN ’680, MOROO, KIM, AND CHEATLE

Appellants contend that none of the secondary references, Tian ’680, Moroo, Kim, or Cheatle, supply the disputed limitation as discussed above. App. Br. 19. The Examiner does not cite the secondary references as

teaching the disputed limitation. *See* Ans. 6–7. Because the Examiner does not rely upon Tian '680, Moroo, Kim, or Cheatle to cure the stated deficiency of Tian discussed above, we also reverse the obviousness rejections of claims 3, 10, 15, 18, 20, and 22.

DECISION

The rejection of Claims 1, 5, 7, 8, 12, 14, 16, 17, 19, 21, and 23–26 under 35 U.S.C. § 102 is REVERSED.

The rejections of Claims 3, 10, 15, 18, 20, and 22 under 35 U.S.C. § 103 are REVERSED.

REVERSED